

REMARKS

Favorable and prompt allowance of the pending application is respectfully requested on the basis of the following particulars.

1. In the claims

The claims are amended as shown in the Amendment to the Claims. Claim 1 is amended to recite that the center portion of the facing defines a pattern of apertures. Support for this language is found by way of at least Figs. 10, 14 and 15, and the corresponding sections in the written description. Claim 1 is also amended to recite that the apertures are “formed irrespective of the proximal surface of the absorbent core.” Support for this amendment is found in the written description at page 10, 1<sup>st</sup> full paragraph. It will be noted that this language is similar to the language used in allowed U.S. patent 7,230,154 (serial number 10/725,561) which claims the same priority of the instant application.

Claim 10 is amended to define the facing layer as having a pattern of apertures that are formed irrespective to the proximal surface of the absorbent core, much as currently recited in claim 1. Further, claim 10 is also amended to recite that the center portion is formed from a generally hydrophobic silicone-based material. Support for this amendment is found in the written description at page 20, 2<sup>nd</sup> full paragraph.

New claim 24 recites the combined subject matter of claim 1 (prior to the existing amendment) and claim 7. Claim 7 was previously identified as reciting allowable subject matter. Claim 24 is in condition for allowance.

New claim 25 recites a vapor permeable substrate and a skin adherent facing layer that particularly has adjacent side-by-side center and border portions. The center portion is particularly recited as being a silicone-based material, as recited in claim 10, and further having a plurality of apertures that are formed irrespective of the proximal surface of the substrate, as recited in claim 1. Lastly, the border portion is recited as having a greater degree of skin adherence than the center portion, as required in claim 1. Thus, it is evident that support for claim 25 is found by way of the limitations in claims 1 and 10.

New claim 26 is dependent from claim 25 and recites that the border portion is generally non-apertured, as depicted in Fig. 10. New claim 27 is dependent from claim 25 and recites that the facing layer and the substrate have coextensive peripheral edges, as depicted in Fig. 2.

It is submitted that the amendment to the claims does not introduce new matter as support is found in the specification as originally filed. Entry and consideration of the amended and new claims is respectfully requested in the next Office communication.

2. Rejection of claims 1-4, 8-12, 16, 17, 19 and 20 under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,207,875 (*Lindqvist*) in view of U.S. patent 6,461,467 (*Blatchford*)

Reconsideration of this rejection is respectfully requested in view of the amendment to the claims and the following observations. It is submitted that the combination of *Lindqvist* and *Blatchford* fails to render the pending claims *prima facie* obvious.

In observing amended claim 1, it is clear that neither *Lindqvist* nor *Blatchford* discloses or suggests a facing layer having a plurality of apertures that are formed irrespectively from the proximal surface of the absorbent core upon which the facing layer is secured.

Indeed, *Lindqvist* clearly teaches that the holes in the gel layer (3, 3') are formed as a function of the open cells, pores or holes (4, 6) of the absorbent material (2, 2') (2:46-67; Figs. 1-2). The manner of forming holes of *Lindqvist* results in a hole structure in which a portion of the gel layer extends into the cells, pores or holes of the absorbent material. These teachings of *Lindqvist*, of course, would not teach the skilled person how to provide the substantially different apertures that are required by amended claim 1.

*Blatchford*, on the other hand, teaches that the pressure sensitive adhesive (20, 120, 30, 130) is merely able to transmit moisture vapor at a greater rate than or equal to that of human skin (4:53-61; Figs. 2, 3). It does not make up for the shortcomings

of *Lindqvist*. Further, while *Blatchford* states at 2:56-61 that “other methods” for achieving a high relative rate of moisture may include pattern coating the adhesive, as shown in Figs. 1, 4A and 4B, nowhere is there any teaching in *Blatchford* that would suggest to the skilled person to provide a plurality of apertures, as required by amended claim 1.

From these observations, it is clear that the combination of *Lindqvist* and *Blatchford* fails to disclose or teach every limitation required by amended claim 1. Instead, *Lindqvist* describes a method and structure for forming holes in a gel layer that are in contradistinction to the pattern of apertures in claim 1. The skilled person would be deterred from forming the apertures in the manner of the pending claims on the basis that *Lindqvist* requires that the holes in the gel layer are formed dependent on the proximal surface of the absorbent layer. Thus, *Blatchford* fails to make up for the shortcomings of *Lindqvist*.

As such, it is submitted that the combination of *Lindqvist* and *Blatchford* fails to render claim 1, and thus the claims dependent therefrom, obvious.

Turning to claims 10 and 25, these claims include the similar limitation to claim 1 insofar that they require the facing layer to have a pattern of apertures that are formed irrespective of the proximal surface of the absorbent core or substrate. It will be pointed out that contrary to the vapor permeable pressure sensitive adhesive taught by *Blatchford*, the facing layer of claims 10 and 25 includes a center portion that is particularly described as being a “hydrophobic” silicone-based material. As such, the skilled artisan would appreciate that the center portion of these claims requires a plurality of apertures in order to permit vapor or liquid transfer therethrough and the particular control of such vapor or liquid transfer. It would therefore not be necessary to provide a plurality of through-extending apertures in the pressure sensitive adhesive of *Blatchford*.

Thus, claims 10 and 25, and the claims dependent thereon are thus patentable over the combination of *Lindqvist* and *Blatchford* based on the foregoing reasons.

In view of these observations, it is submitted that the claims of this rejection and new claims 25-27 are patentable over the combination of *Lindqvist* and *Blatchford* on the basis that the combination fails to disclose or teach every limitation of the claims. In fact, it is readily apparent from *Lindqvist* that the skilled person would be deterred from forming the pattern of holes mandated by the pending claims.

Accordingly, withdrawal of the rejection and allowance of the pending claims are kindly petitioned.

3. Conclusion

As a result of the amendment to the claims and the foregoing observations, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants' attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,



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